

HIGHLIGHTS TO THE 2026 EDITION

In the criminal law and procedure arena, search and seizure questions continue to generate many opinions. For example, consent to search a vehicle given by the owner/driver does not extend to the purse of a passenger who is identified as the owner of the purse. *Myers v. Commonwealth*, 83 Va. App. 65 (2025) See Section 30:5 for this and other recent decisions.

Jury selection questions continue to arise. Recent decisions emphasize that attempts to rehabilitate an apparently biased potential juror need to be undertaken with care, and need to be clearly successful, as seating a biased juror can lead to reversal. See Section 6:16.

Recent decisions also emphasize the sanctity and secrecy of juror deliberations, requiring substantial allegations of extraordinary misconduct before the trial court is even required to hold a hearing. See Section 38:2.

Summary contempt is not appropriate except in cases where all of the words and actions constituting the contempt occur in the presence of the court. Odd behavior on the stand and admission of smoking marijuana earlier in the day may not be enough. *Orndoff v. Commonwealth* ____ Va. ____ (2025). Similarly, a defendant's sending letters to jurors is not enough to hold the defendant in summary contempt, without notice and opportunity for hearing, where the letters are not sent to the court, and the judge hears about them through third parties. *Bell v. Commonwealth*, 81 Va. App. 616 (2024). See Section 5.1.